



Environmental Fact Sheet

TREATMENT STANDARDS PROPOSED FOR TOXICITY CHARACTERISTIC (TC) METAL AND MINERAL PROCESSING WASTES

Background

The widespread practice of disposing of hazardous waste in units located directly on the land has been regulated by the Environmental Protection Agency's (EPA's) LDR program for many years. A major part of the LDR program is to adequately protect public health and safety by establishing treatment standards for hazardous wastes before they can be disposed of in land disposal units. These treatment standards either specify that the waste be treated by a specified technology, or that they be treated by any technology as long as the concentration of hazardous constituents is below a certain level. Universal Treatment Standards (UTS) specify the concentration levels for hazardous constituents.

In addition to setting new treatment standards, another continuing task of the EPA is to better define which industrial materials are wastes, thus subject to regulation, and which should be excluded from regulation.

Action

EPA is re-proposing LDR treatment standards for metal-bearing hazardous wastes, including wastes from mineral processing operations. Since the original proposal in 1995, EPA received new data indicating that the universal treatment standard (UTS) levels for 12 metal constituents could be modified to better reflect the entire universe of wastes that are subject to the treatment standards. These revised UTS levels would apply to hazardous wastes that contain any of the 12 metal constituents above defined levels.

The standards also would apply to wastes from mineral processing operations, a group of wastes not currently subject to treatment standards. The Agency has collected new data that reaffirms the Agency's position that the mineral processing wastes are no harder to treat than those wastes for which the UTS were established.

Additionally, this proposal seeks comment on three very specific issues related to recycled secondary materials from mineral processing, and wastes excluded by the Bevill amendment under Section 3001 of the Resource Conservation and Recovery Act (RCRA).

The first issue is determining which materials are wastes, thus subject to full regulation of hazardous waste management, and which are in-process materials that are outside EPA's jurisdiction. The proposal would allow recycling of secondary mineral processing materials without complying with hazardous waste requirements, but the material generally could not be stored on the land during this recycling. Rather, it would have to be stored in tanks, containers, or containment buildings that meet minimum specifications.

The second issue is whether the Bevill exclusion should extend to Bevill-exempt mining facilities in which mineral processing wastes or other materials are part of the feedstock, along with the ore. EPA proposes that such co-processing (e.g., hazardous waste plus raw materials) in Bevill-exempt mining units invalidates the Bevill exemption for the resulting wastes. In other words, for a waste to qualify for the Bevill exclusion, all feedstocks entering the unit would have to be solely derived from the extraction, beneficiation, or processing of virgin ore or mineral.

The third issue is whether the risks posed by some Bevill-exempt wastes warrant future regulatory controls. EPA is seeking comment on whether to re-examine the Bevill exemption for certain wastes.

On other issues, EPA is proposing to: (1) exclude from regulation certain recycled wastewaters from wood preserving operations, and (2) ban the use of hazardous waste as fill material.

For More Information

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. The notice is available at <http://www.epa.gov/rules>, regulations, and legislation. This fact sheet and other documents related to this rule are available under "EPA Offices and Regions." For additional information or to order paper copies of any documents, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.